

1 BILL NO. R-83-05-320

2 RESOLUTION NO. R-30-83

3 A RESOLUTION affirming the City's
4 position with respect to the Approp-
5 priation of Three Hundred Sixty-
6 Five Thousand and No/100 Dollars
(\$365,000.00) of Revenue Sharing
Monies for various unemployment
assistance programs.

7 WHEREAS, this Council previously passed, unanimously,
8 Appropriation Ordinance #A-08-83, appropriating funds from the
9 Revenue Sharing Trust Fund to various accounts within the 1983
10 budget;

11 WHEREAS, this Ordinance was passed by the Common Council,
12 unanimously on March 22, 1983, and was then signed by the Mayor
13 on March 23, 1983;

14 WHEREAS, this Ordinance was then submitted to the In-
15 diana State Board of Tax Commissioners pursuant to I.C.6-1.1-18-5;

16 WHEREAS, on April 21, 1983 the Indiana State Board of
17 Tax Commissioners denied this Council's request for an additional
18 Appropriation with respect to Three Hundred Sixty-Five Thousand
19 and No/100 Dollars (\$365,000.00) of Federal Revenue Sharing
20 Monies, to be utilized by the City, for various unemployment ass-
21 stance programs and to be further utilized for the benefit of
22 the citizens of this community;

23 WHEREAS, the Administration, after April 21, 1983, con-
24 tacted the Indiana State Board of Tax Commissioners and requested
25 a "reconsideration" of the decision as originally made by the In-
26 diana State Board of Tax Commissioners;

27 WHEREAS, such reconsideration request, as made by the
28 Administration, was denied by the Indiana State Board of Tax
29 Commissioners;

30 WHEREAS, it is the belief of this Council and the Execu-
31 tive Branch of the City of Fort Wayne, Indiana, that the Common
32 Council has full and complete authority to make the Appropriations

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3 herein referred to and that such Appropriations are in the best
4 interests of the citizens of this community;

5 WHEREAS, no further administrative appeal rights are
6 available to the City and accordingly it has been necessary for
7 the City to file suit against the Indiana State Board of Tax
8 Commissioners;

9 WHEREAS, such lawsuit was filed in the Allen Superior
10 Court, Allen County, Indiana on Thursday, May 19, 1983, and
11 docketed as Cause Number S-83-1464;

12 WHEREAS, this lawsuit was filed only after the In-
13 diana State Board of Tax Commissioners refused to reconsider the
14 City's request for appropriation of the Three Hundred Sixty-Five
15 Thousand and No/100 Dollars (\$365,000.00) of said Revenue Sharing
16 Monies.

17 NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL
18 OF THE CITY OF FORT WAYNE, INDIANA:

19 SECTION 1. The Common Council of the City does hereby
20 reaffirm its position with respect to the appropriation of Three
21 Hundred Sixty-Five Thousand and No/100 Dollars (\$365,000.00) of
22 Revenue Sharing Monies for the purpose of benefiting citizens
23 of this community.


24 SECITON 2. That the Common Council does further note
25 that such an Appropriation in no way increases the taxes of
26 citizens of this community but rather that such appropriation
27 simply makes possible the spending of monies provided to the
28 City of Fort Wayne, Indiana by the federal government.

29 SECTION 3. That the Council herein affirms supports
30 and adopts the City's position as outlined in the lawsuit filed
31 against the Indiana State Board of Tax Commissioners so that the
32 Appropriation in question may be made to and for the benefit of
33 the citizens of this community.

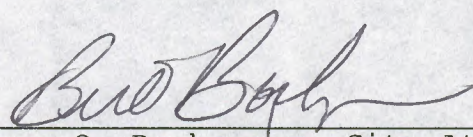
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SECTION 4. That the Council restates its policy of assisting persons residing in this community.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by Stier, seconded by Esther, and duly adopted, placed on its passage. PASSED (~~LAST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-24-83

Sandra E. Kennedy

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) NO. Q-30-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy

CITY CLERK

Ray - Q Ebert

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock ①.M., E.S.T.

Sandra E. Kennedy

CITY CLERK

Approved and signed by me this 26th day of May, 1983, at the hour of 9 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR